

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Investigation into the Membership of Louisville  
Gas and Electric Company and Kentucky  
Utilities Company in the Midwest Independent  
Transmission System Operator, Inc.

Case No. 2003-00266

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PUBLIC SERVICE  
COMMISSION

**PETITION FOR CONFIDENTIALITY**

Pursuant to 807 KAR 5:001 § 7, Midwest Independent Transmission System Operator, Inc. ("Midwest ISO") hereby petitions the Public Service Commission for an Order granting confidential treatment and protection from public disclosure certain information requested by the Commission or its staff at the Commission's hearing in this matter, held from February 25 to 27, 2004. Specifically, Midwest ISO seeks confidential treatment for information responsive to a data request made by Commissioner Martin Huelsmann to Midwest ISO witness and Chief Financial Officer, Michael P. Holstein, regarding officer compensation for the years 2003 and 2004. Attached to the original of this Petition is the requested compensation data, with the material for which confidential treatment is sought identified by highlighting with transparent ink; a redacted version is attached to the copies of this Petition.

In support of its request for confidential treatment, Midwest ISO states as follows:

1. The compensation information provided is classified as confidential by the Kentucky Open Records Act, which excludes information of this type from the application of its disclosure mandates. KRS 61.878.
2. This information is (a) confidentially disclosed to the Commission or required by the Commission to be disclosed to it and (b) is generally recognized as confidential or proprietary. KRS 61.878(1)(c).

3. Information as to the compensation paid to Midwest ISO's officers is of a personal nature and is treated as confidential both internally within Midwest ISO and externally. Thus, disclosure of this information would constitute an unwarranted invasion of the personal privacy of each individual officer. KRS 61.878(1)(a). Furthermore, preservation of the confidential character of that information is needed to prevent Midwest ISO's competitors from gaining an unfair commercial advantage by having access to internal financial data relating to the compensation of Midwest ISO's most senior officers. KRS 61.878(1)(c).

4. Midwest ISO's compensation data for 2003 will remain confidential until it is reported on Form 1 to the Federal Energy Regulatory Commission ("FERC") on or before April 30, 2004. Compensation data for 2004 shall remain confidential until it is included in a similar FERC Form 1 filing on or before April 25, 2005.

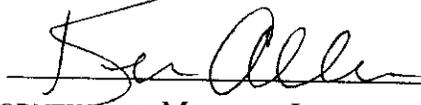
5. No public interest would be served by denying confidential treatment to this information.

WHEREFORE, Midwest ISO requests an Order of the Commission granting confidential treatment to the material provided.

Respectfully submitted,

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James C. Holsclaw  
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By:   
ATTORNEYS FOR MIDWEST INDEPENDENT  
TRANSMISSION SYSTEM OPERATOR, INC.

CERTIFICATE OF FILING AND SERVICE

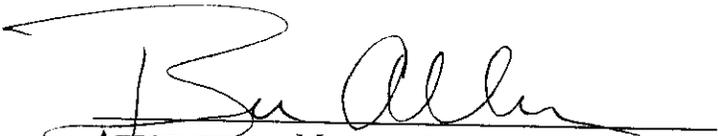
I hereby certify that on this the 8th day of March, 2004, the original and ten (10) copies of the foregoing Petition for Confidentiality, with a full copy of the data attached to the original and redacted versions attached to the copies, were hand-delivered to Thomas Dorman, Executive Director, Kentucky Public Service commission, 211 Sower Blvd., Frankfort, Kentucky, 40602, and one copy was served, along with redacted copies of the data, via first class mail to:

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ATTORNEY FOR MIDWEST INDEPENDENT  
TRANSMISSION SYSTEM OPERATOR, INC.

		<u>2003*</u>	<u>2004†</u>
Jim Torgerson	President and CEO		
Michael Holstein	V.P. and CFO		
Michael Gahagan	V.P., CIO, and CSO		
William Phillips	V.P. of Operations		
Stephen Kozey	V.P., General Counsel, and Secretary		
Alex DeBoissiere	V.P. and Chief Regulatory & Legislative Officer		

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\* Actual total, cumulative of salary and bonus.

† Budgeted total, cumulative of salary and bonus; bonus is performance dependent.